



Puyallup Tribe of Indians
Revised Water Quality Standards



FACT SHEET No. 4:

Antidegradation Policy and Implementation Procedures

The Tribal water quality standards provide a mechanism for managing and regulating the quality and use of the Puyallup Tribe of Indians' waters by establishing the water quality goals for specific water bodies, and providing a legal basis for regulatory controls. The standards are also designed to establish the uses for which the surface waters of the Tribe shall be protected. The Tribal standards were first approved in 1994, and have just undergone their first triennial review.

What Are The Changes?

In addition to adopting designated uses for surface waters (Fact Sheets Nos. 1 and 2), and establishing criteria that protect those designated uses (Fact Sheet No. 3), the third required component in establishing water quality standards is the adoption of an antidegradation policy that protects existing uses and high quality waters.

The existing Tribal antidegradation policy, based on the basic framework defined in the federal regulations, contains a simple, three-tiered approach. The three levels of antidegradation protection included in the existing standards are:

- Protection of existing uses ("Tier 1");
- Protection of high-quality waters ("Tier 2"); and
- Protection of Outstanding National Resource Waters ("Tier 3").

Consistent with the most thorough EPA guidance available, the revised antidegradation policy, and the accompanying implementation procedures, adopts a category of waters intermediate between Tier 2 (high quality waters) and Tier 3 (outstanding national resource waters), often referred to as "Tier 2.5". Tier 3 is now reserved for Outstanding National Resource Waters where no degradation of water quality can be allowed; Tier 2.5 corresponds to waters of Exceptional Cultural Significance, which receive a very high level of protection but where discharges may still be allowed under very specific conditions. This tier is not required under the Clean Water Act provisions, but is recommended in EPA guidance, and provides the Tribe the flexibility to allow certain activities while still providing a very high level of water quality protection.



This revised approach best addresses identified Tribal objectives, meets federal requirements, and provides a clear, consistent framework for the public, for the regulated community, and for the Tribal representatives responsible for performing antidegradation reviews.

What Does It Mean?

Tier 3 waters are those designated waters that constitute an Outstanding National Resource, and are afforded the highest level of antidegradation protection; no degradation is allowed.

Tier 2 waters are considered high quality waters, and may be degraded only under limited circumstances when it is determined to be in the public interest.

Tier 1 requires the protection of existing uses, and provides a base level of water quality for all waters.

The new Tier 2.5 provides a very high level of protection for Tribal waters, but still allows the Tribe some flexibility for allowing discharges associated with activities that help to restore or enhance water quality or existing or beneficial uses (for example, hatchery or aquaculture operations that may result in a new or increased discharge). Tier 2.5 also provides options for water quality “trading”, where a new discharge (on or upstream of Tribal waters) could be allowed if prior actions are taken to improve water quality such that the new discharge resulted in no lowering of water quality.

Implementation Procedures

Antidegradation requirements are triggered whenever a regulated activity is proposed that may have some effect on surface water quality, as determined by the Tribe. Such activities are reviewed to determine, based on the level of antidegradation protection afforded to the affected waterbody segment, whether the proposed activity should be authorized.

The Tribe's Environmental Protection Department will conduct some level of antidegradation review for all regulated activities that have the potential to affect existing water quality. The specifics of the review depend upon the waterbody segment that would be affected, the tier of antidegradation protection applicable to that waterbody segment, and the extent to which existing water quality would be degraded.



In conducting an antidegradation review, the first task that must be addressed by the Department is to determine which tier of antidegradation applies. Unless a surface water is specifically designated as a Tier 3 “Outstanding National Resource Waters” by the Tribe, all surface waters of the Tribe will be treated as Tier 2.5 “Waters of Exceptional Cultural Significance.”

Once the correct tier of requirements is identified, the Department determines whether authorizing the proposed activity would be consistent with the Tribe's antidegradation requirements. Based upon the review findings, a preliminary decision is made by the Department and subjected to intergovernmental coordination and public participation. Public participation occurs regardless of the outcome of the preliminary decision (i.e., whether the proposed activity would be authorized or denied.) The Department then considers public comments and reaches a final decision regarding whether to authorize the proposed activity. The substance and basis of the final decision by the Department are documented in the administrative record.

The change from class-based to use-based designation system is discussed in more detail in Fact Sheet No. 1; the new uses are discussed in more detail in Fact Sheet No. 2. Updates to numeric and narrative criteria are discussed in Fact Sheet No. 3; and Fact Sheet No. 5 presents changes to discretionary policies.

If you have any questions regarding the revised Tribal water quality criteria, please contact:

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